

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LOUIS CHARLES HAMILTON, II,	§	
SPN 02559768,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. H-12-0977
	§	
ADRIAN GARCIA, et al.,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff filed a civil rights complaint in late March 2012. (Docket Entry No.1). On May 25, 2012, the Court granted his application to proceed *in forma pauperis*. (Docket Entry No.6). On August 2, 2012, the Court ordered plaintiff to file a More Definite Statement of his claims. (Docket Entry No.10). On August 23, 2012, plaintiff filed the pending motion to dismiss this action. (Docket Entry No.11).

"Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." FED. R. CIV. P. 41(a)(2). A court exercising its discretion in considering a voluntary dismissal must follow the traditional principle that dismissal should be allowed unless the defendant will suffer some plain prejudice other than the mere prospect of a second lawsuit. See LeCompte v. Mr. Chip, Inc., 528 F.2d 601, 604 (5th Cir. 1976); Holiday Queen Land Corp. v. Baker, 489 F.2d 1031, 1032 (5th Cir. 1974). Defendants will suffer no prejudice by this dismissal.

Accordingly, plaintiff's Motion for Voluntary Dismissal (Docket Entry No.11) is GRANTED. This case is DISMISSED without prejudice.

SIGNED at Houston, Texas on September 18, 2012.

  
EWING WERLEIN, JR.  
UNITED STATES DISTRICT JUDGE